



Board of Adjustment

Case Report

City of Raleigh
 Department of City Planning
 One Exchange Plaza
 Raleigh, NC 27601
 (919) 996-2682
www.raleighnc.gov

Case File: A-2-18

Property Address: 410 Ashe Avenue

Property Owner: City of Raleigh

Project Contact: Hunt Choi

Nature of Case: A request for complete relief from all requirements set forth in Section 8.5 of the Unified Development Ordinance as it pertains to right-of-way dedication or improvements to any adjacent street as part of a park improvement site plan which includes renovating and expanding the Pullen Arts Center located in Pullen Park which occupies a 75.6 acre tract of land zoned Office Mixed-Use-3 and Office Mixed-Use-12 and Special Residential Parking Overlay District located at 410 Ashe Avenue.



410 Ashe Avenue – Location Map

To BOA: 1-8-18

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Office Mixed-Use-3, Office Mixed-Use-12 and Special Residential Parking Overlay District



410 Ashe Avenue – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

To Legalize the Existing Structure:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Article 8.5 Existing Streets

8.5.1. General Provisions

This Article describes guidelines for the construction of street improvements and streetscapes for existing streets throughout the City. It is intended to address when street and streetscape improvements are appropriate through the application of the pre-approved street types in this chapter. The City has an approved Street Design Manual which provides further details.

A. Intent

1. The intent of the existing streets regulations is to provide the application of the street typology map and the streetscapes to existing streets to reflect the character and context of areas in the City.

2. The existing street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.

3. Administrative Design Adjustments approved by the Public Works Director pursuant to Sec. 8.5.1.G. may be appropriate when an existing building would impede expansion, when transitioning from a different street section or where strict compliance with this UDO and the Raleigh Street Design Manual would pose a safety hazard.

B. Applicability

1. General

a. Any new development activity and any addition or repair subject to the requirements of Sec. 10.2.5. and Sec. 10.2.8. must meet street type and streetscape standards of this Article for existing streets abutting the subject property.

b. The streetscape types of Sec. 8.5.2. shall be applied based on the zoning and frontage type applied to the subject property.

c. Unless otherwise specifically provided, no permit for the construction, reconstruction, extension, repair or alteration of any building, structure or use of land and no building or

land or any part of any building or land, may be occupied or used until the streetscape requirements of this Article have been met.

d. Gated public streets shall not be permitted.

e. Administrative design adjustments approved by the Public Works Director pursuant to Sec. 10.2.18. may be appropriate when an existing building would impede roadway expansion; when transitioning from a different street section; or where strict compliance with this UDO and the Raleigh Street Design Manual would pose a safety hazard.

2. Additions and Repairs

a. A building or site may be renovated or repaired without meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.

b. When a building or site is increased in gross floor area or improved site area cumulatively by more than 10%, the streetscape provisions of this Article must be met.

3. Change in Use Exempt

A change in use does not trigger application of the **streetscape** requirements of this Article.

C. Letter of Acceptance

1. Sidewalks, streets and street trees must be installed prior to the issuance of a letter of final acceptance.

2. A conditional letter of acceptance may be issued in accordance with Sec. 8.1.3. where the Public Works Director determines that landscaping in the public right-of-way cannot be installed due to inclement weather conditions, a surety in the amount of 125% of the value of the landscaping shall be provided to the City, in accordance with Sec. 8.5.1.B. The landscaping improvements shall be installed within 12 months of issuance of the conditional letter of acceptance.

3. Where determined appropriate by the Public Works Director, the sidewalk and street tree planting area may occur on private property subject to an easement for public access.

D. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Article must be shade trees.

2. Where overhead utilities exist, 1 understory tree shall be planted every 20 feet on center, on average.

3. All required street trees must meet the design and installation requirements of Sec. 7.2.7. 4. Where development abuts a street controlled by the North Carolina Department of Transportation, street trees may not be required in the right-of-way, at the discretion of the North Carolina Department of Transportation. In this instance, a Type C2 street protective yard is required in accordance with Sec. 7.2.4.

E. Fee-in-Lieu

Where the Planning and Development Officer determines that construction of improvements would result in the improvement of less than ½ of a linear block face; an equivalent payment in lieu of construction may be required.

F. Adopted Streetscape Plans

1. In the event an adopted streetscape plan regulates streetscape improvements, the adopted Plan shall control. The adopted streetscape plans are contained within the Raleigh Street Design Manual.
2. The requirements of this Article are intended to serve as minimum standards. Where a streetscape plan adopted before the effective date of this UDO sets a lower standard, the standard in this Article shall prevail.
3. The City Council may modify an adopted Streetscape Plan following written notice to property owners along the street.

G. Administrative Design Adjustment Findings

1. The Public Works Director may in accordance with Sec. 10.2.18. approve an existing street design adjustment, subject to all of the following findings:
 - a. The approved adjustment meets the intent of this Article;
 - b. The approved adjustment conforms with the Comprehensive Plan and adopted City plans;
 - c. The approved adjustment does not increase congestion or compromise safety;
 - d. The approved adjustment does not create additional maintenance responsibilities for the City; and
 - e. The approved adjustment has been designed and certified by a Professional Engineer.

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet): Owner requests complete relief from all requirements set forth in Article 8.5 (Existing Streets) of the Unified Development Ordinance resulting in no requirement for the owner to alienate, convey or attempt to alienate or convey any part of the original deeded property or at any time use or allow to be used the said lands or any part thereof for any purpose other than that of the public park.</p>	<p>Transaction Number</p> <p>A-2-18</p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p> <p>Administrative Site Plan Review for Pullen Arts Center Renovation (Transaction #525991)</p>	

GENERAL INFORMATION		
Property Address 410 Ashe Ave Raleigh, NC 27606		Date 11/17/2017
Property PIN 0793997529	Current Zoning OX -12 and OX-3	
Nearest Intersection Hillsborough St/Pullen Rd and Western Blvd/Ashe St		Property size (in acres) 75.6
Property Owner City of Raleigh - PRCR, Diane Sauer	Phone 919-996-4771	Fax 919-996-7486
Owner's Mailing Address PO Box 590 Raleigh, NC 27602	Email diane.b.sauer@raleighnc.gov	
Project Contact Person Lora Greco	Phone 919-996-4771	Fax 919-996-7486
Contact Person's Mailing Address PO Box 590 Raleigh, NC 27602	Email lora.greco@raleighnc.gov	
Property Owner Signature <i>Diane Sauer</i>	Email diane.b.sauer@raleighnc.gov	
<p>Notary</p> <p>Sworn and subscribed before me this <u>20</u> day of <u>November</u>, 20 <u>17</u></p>	<p>Notary Signature and Seal</p> <p><i>Gloria M. Harris</i></p> <p>NOTARY PUBLIC WAKE COUNTY, NC</p>	



City Of Raleigh

NORTH CAROLINA

December 8, 2017

Raleigh Board of Adjustment

RE: Variance Application for Pullen Park

Dear Board Members,

The City of Raleigh Parks, Recreation and Cultural Resources Department is in the process of permitting the expansion and renovation of Pullen Arts Center. Pullen Arts Center is located at 105 Pullen Road on the north side of Pullen Park, across the street from NC State's Bell Tower and next to Theatre in the Park. It is an arts education facility for beginning to advanced artists, which provides quality instruction, a variety of programming, specialized equipment, gallery exhibitions and studio access. Pullen Park is classified as a metro park in the Raleigh parks system.

Pullen Park was established in 1887 by land donated by Richard Stanhope. The property was deed to the City with the restriction that the land be used exclusively as a public park. The deed does not allow for conveyance of any part of the park, nor does it allow for use of the park land outside of uses and purposes of a public park. Failure to comply with the deed restrictions will result in ownership of the entire property reverting back to the Pullen heirs.

The Pullen Park Master Plan was completed in 2001. Renovations and improvements to the southern portion of Pullen Park were completed in 2011. The bond referendum approved in 2014 included funding for renovations and improvements at Pullen Arts Center and in 2015, Parks, Recreation and Cultural Resources staff and project consultant went through an extensive public participation process to confirm the project scope. At the end of the process with the public input, Council approved the schematic design of the Arts Center renovation project. A zoning variance is needed for the expansion and renovation of the Arts Center regarding street requirements associated with site plan approval in order to avoid conflict with the deed of Pullen Park to the City.

Please find below and attached support information with the variance application.

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)
Printed on Recycled Paper

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

We request relief from all requirements set forth in Article 8.5 (Existing Streets) of the Unified Development Ordinance resulting in no requirement for the owner to alienate, convey or attempt to alienate or convey any part of the original deeded property or at any time use or allow to be used the said lands or any part thereof for any purpose other than that of the public park. Due to deed restricted nature of the property, we are unable to meet the new street requirements. Below is an excerpt from the deed:

To have and to hold the said tract of land to the said the City of Raleigh in fee simple upon the following uses and trusts and no other, that is to say in trust for the uses and purposes of a public park for the use, enjoyment and recreation of the inhabitants of and visitors to the City of Raleigh, said County and State, under such rules and regulations as the municipal authorities of said City may from time to time prescribe; provided that if the City of Raleigh, the grantee herein, should at any time use or allow to be used the said lands or any part thereof, except as hereinafter provided for any purpose other than that of such public park, or shall alienate or convey or attempt to alienate or convey the said lands or any part thereof except as hereinafter directed, to any person or corporation, or if the charter of said City of Raleigh N.C. should at any time be surrendered, forfeited or repealed, then, and in either case, this conveyance shall become null and void and the paid lands shall thereupon immediately revert and be vested in said Pullen, his heirs and assigns, provided however, that if any person or persons will erect and equip, or will furnish guarantees satisfactory to the Board of Aldermen that he or they will erect and equip, on the part of said tract of land hereinafter presently described, a factory for spinning or weaving cotton, said factory to be – built five years from date hereof; and to cost not less than fifty thousand dollars, then said city of Raleigh shall, and it is a part of the trust on which the foregoing conveyance is made that it will convey to such person or persons such part of the tract of land above described as is bounded on the east by the Avent Ferry Road, on the north by the NC Railroad on the west by Spring branch and on the south by a line which with the three said boundaries will enclose four acres of land; said conveyance to be in fee and for the purposes only of cotton manufacturing.

Right of Way

Both Ashe Ave. and Pullen Rd. are classified as Avenue 2-Lane, Undivided Streets by the City of Raleigh Street Plan. These street sections consist of a 64' right-of-way with a 36' street.

The existing right of way along Ashe Street property frontage range from approximately 54'-56' wide. The existing right of way along Pullen Road property frontage range from approximately 60'-82' wide. Both these roads would require conveyance of land to the City to increase the right-of-way width to meet the new standard. Due to deed restricted nature of the property, we are unable to meet the right of way requirements prescribed in Article 8.5 (Existing Streets) of the Unified Development Ordinance.

Street Trees

Mature trees line the road frontages of the property, just outside of the existing right-of-way. We maintain that these trees perform the intended purpose of street trees prescribed in Article 8.5 (Existing Streets) of the Unified Development Ordinance and the variance is consistent with the spirit, purpose and intent of the ordinance.

Sidewalk

Similar to trees along the street frontage, park trails and walkways parallel the majority of the streets just outside of the existing right-of-way and function in the same manner as a public sidewalk. We maintain that these park trails and walkways perform the intended purpose of sidewalks prescribed in Article 8.5

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(Existing Streets) of the Unified Development Ordinance and the variance is consistent with the spirit, purpose and intent of the ordinance. Although the entire Pullen Park Master has yet to be fully implemented, it clearly lays out a plan to provide pedestrian/bicycle circulation along the street frontages and throughout the park (see, Pullen Park Master Plan – Circulation Plan).

Attachments with this application include:

1. Adjacent property owners' information
2. Plot plan
3. Pullen Park Master Plan
4. Pullen Arts Conceptual Site Design
5. Pullen Park Deed
6. Pullen Road Variance - Council Minutes and Public Works Committee Minutes

We greatly appreciate your consideration. Please contact me if you have questions or need further information. Thank you.

Sincerely,



Lora Greco, ASLA, PLA
Engineering Supervisor, Capital Projects

City of Raleigh Parks, Recreation and Cultural Resources Department
Park Development and Communications Division

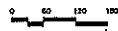
Cc: Diane Sauer, Raleigh Parks, Recreation and Cultural Resources Director
Stephen Bentley, Raleigh Parks, Recreation and Cultural Resources Assistant Director

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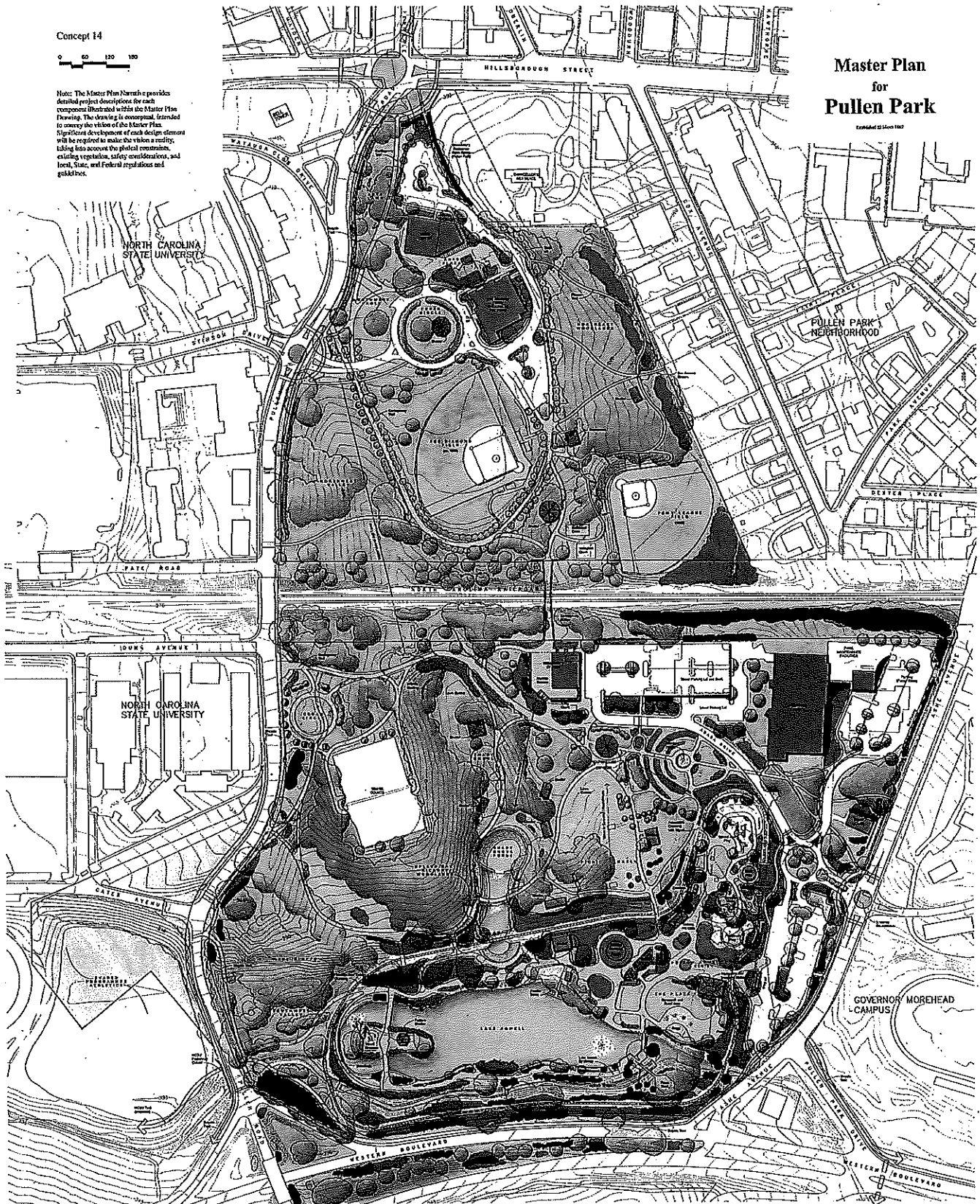
Concept 14



Note: The Master Plan Narrative provides detailed project descriptions for each component illustrated within the Master Plan drawing. The drawing is conceptual, intended to convey the vision of the Master Plan. Significant development of each design element will be required to make the vision a reality, taking into account the physical constraints, existing vegetation, safety considerations, and local, state, and federal regulations and guidelines.

Master Plan for Pullen Park

Created 12/15/2017



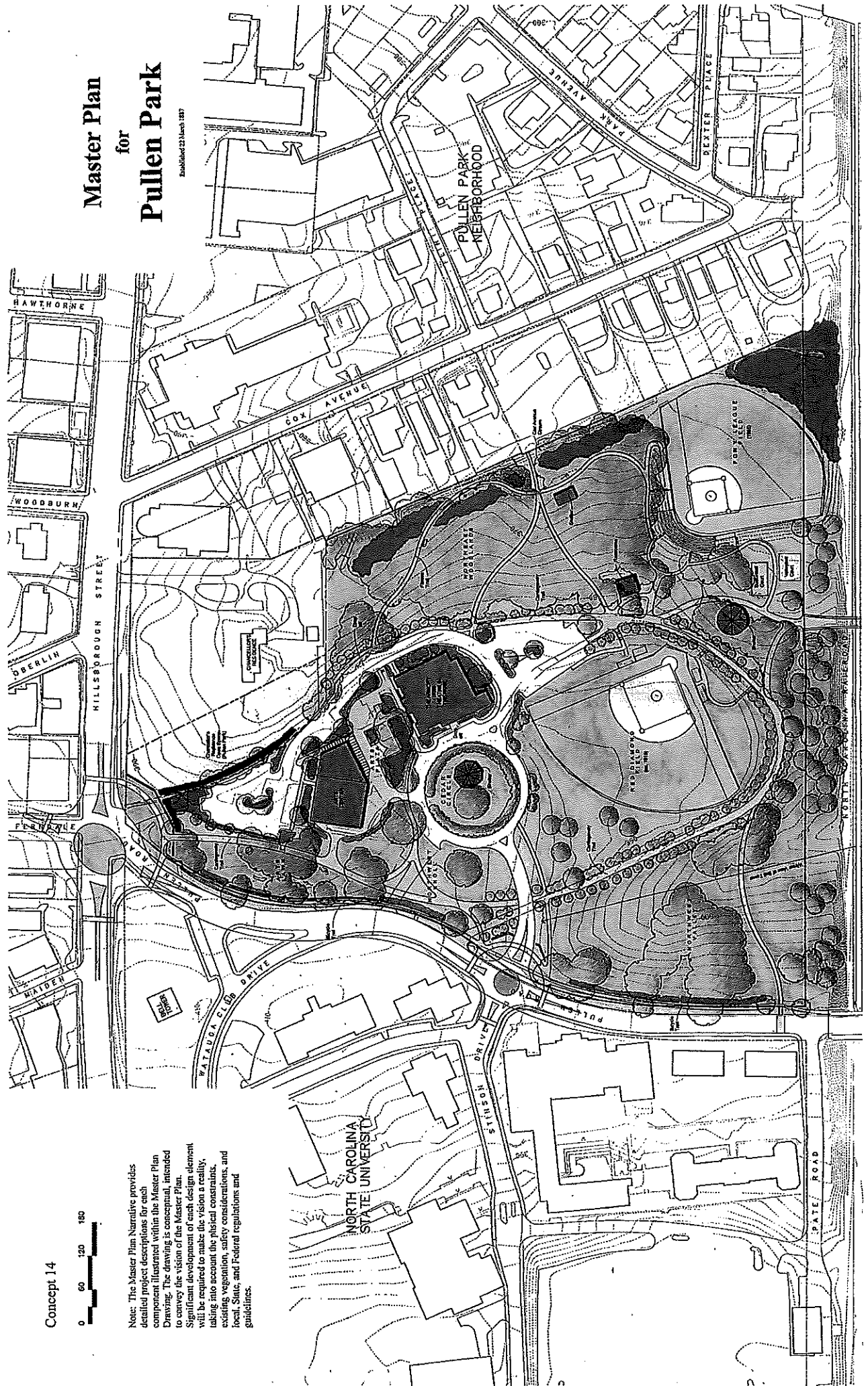
Concept 14

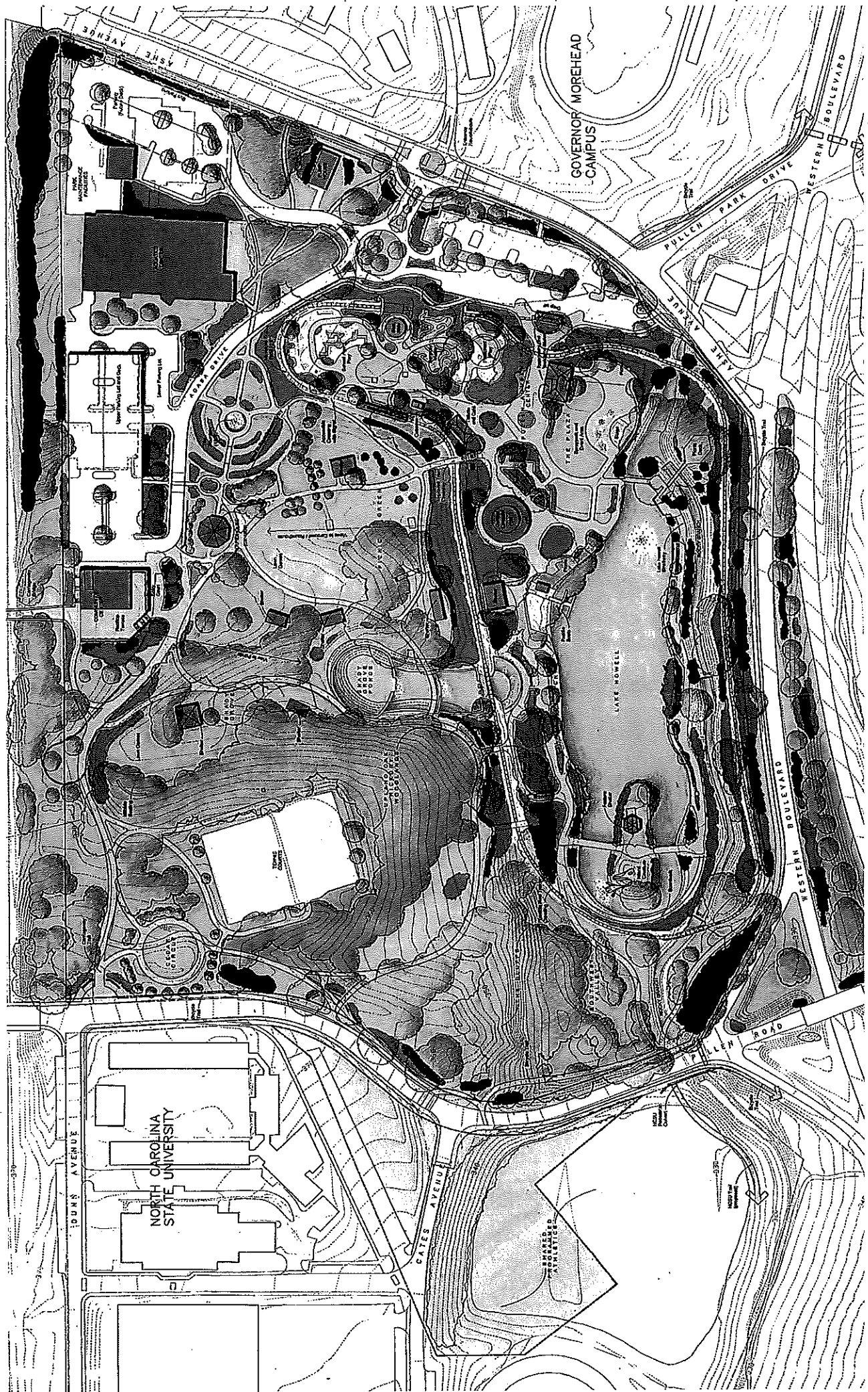


Note: The Master Plan Narrative provides detailed project descriptions for each component illustrated within the Master Plan Drawing. The drawing is conceptual, intended to convey the vision of the Master Plan. Significant development of each design element will be required to make the vision a reality, taking into account the physical constraints, existing vegetation, safety considerations, and local, State, and Federal regulations and guidelines.

Master Plan for Pullen Park





Revised 22 March 2007





Concept 13
Circulation Plan
0 60 120 180

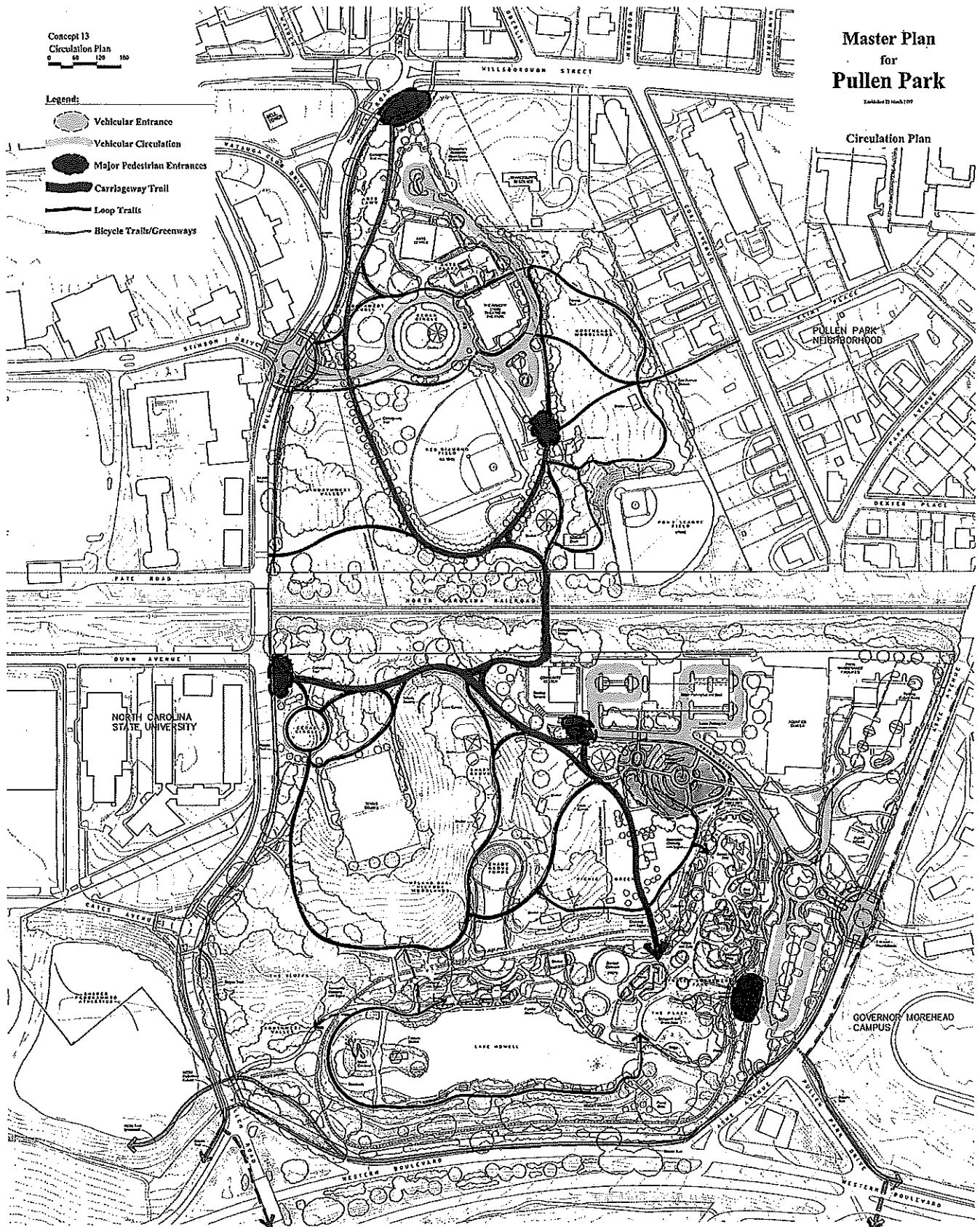
Legend:

-  Vehicular Entrance
-  Vehicular Circulation
-  Major Pedestrian Entrances
-  Carrilgeway Trull
-  Loop Trails
-  Bicycle Trails/Greenways

Master Plan for Pullen Park

Exhibit 12 March 1997

Circulation Plan



Master Plan Narrative

C. Access, Circulation and Parking

1. Physical Accessibility

Provide accessible parking for the handicapped within close proximity to Park buildings and the Amusement Center. During large programmed events, provide additional accessible parking within on-site lots. Consider a staffed assistance program for picnic facilities within the open spaces using carriageway and loop trail accesses. Include information on assistance within Park brochures and entrance informational signage.

2. Walks and Trails

a. Off-Site Access/Traffic Calming: Provide direct and welcoming pedestrian connections to access points from adjacent areas, including the proposed roundabouts at the Park entrances at Pullen Road and Ashe Avenue. The Master Plan supports the concept of a roundabout and better pedestrian access at Pullen Road and Dunn Avenue, currently under study in a joint effort by the City of Raleigh and NC State University. Recommend future consideration of an additional roundabout at Pullen Road and Cates Avenue, and additional traffic calming measures such as speedtables at other crossings. Support study for realignment of Ashe Avenue and Pullen Road as recommended in the traffic analysis by Kimley-Horn and Associates (*See Appendix F – Ashe Avenue Access Analysis*).

b. Bicycle Trails: Provide bicycle trails separate from trails on the interior of the Park. Maintain safe sharing of trails by pedestrian and bicycle traffic within the Park. Consider use of signage where appropriate to manage bicycle traffic along Park trails intended as primarily pedestrian. Add a north-south bicycle trail along Pullen Road to complement the east-west trail along Western Boulevard proposed by the North Carolina Department of Transportation. Include connections to the culvert under Pullen Road proposed by NC State University for the Rocky Branch trail. Consider connections to the south across Western Boulevard as part of future improvement projects to the intersections with Ashe Avenue and Pullen Road.

c. Carriageway Bridge: Provide a carriageway bridge over the railroad to create unity between the north and south sides of the Park for pedestrian and service connection. The bridge will allow improved access to the south Park areas for neighbors to the north, sharing of parking facilities between the two sides of the Park, and increased opportunities for walking and exploring the open spaces. The location of the bridge high above the center of the Park provides a valuable and important opportunity for a unifying artistic element.

d. Carriageway Trail: Provide a wide inviting walk for connections from the amusement center to all the major entrances of the Park. Provide major entrances at Hillsborough Street (the location of the original carriage drive into

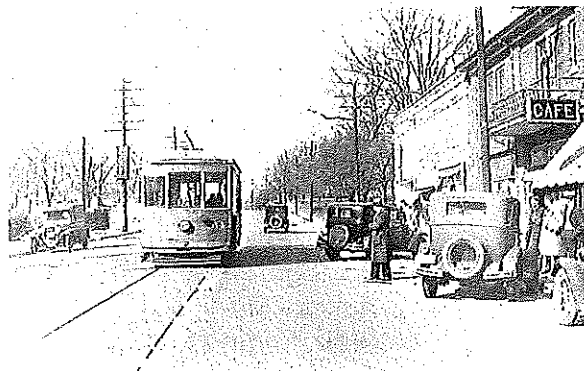
the Park), the upper Aquatics Center parking lot near the Roundhouse, and at the intersection of Pullen Road and Dunn Avenue to serve visitors from NC State University, and those arriving from the Triangle Transit Authority's proposed regional rail station.

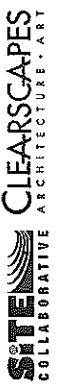
Design the carriageway trail with connections to Park vehicular drives for shared use by small trolleys, trams and carriages for special events. Include removable or retractable bollards at carriageway entrances to allow access by maintenance, emergency and catering vehicles to the open spaces of the Park.

As other parking opportunities become available, replace the modern cul-de-sac on the south side of the Park at Adaba Drive with the carriageway trail. This restores the views of open green spaces to the north and removes parked cars from the open space views of the Park.

Across the north side of the Park, provide the carriageway trail along portions of the path of the original Pullen Park carriage drive.

- e. **Loop Trails:** Throughout the Park, provide loop trails from the carriageway trail into the open spaces of the Park to encourage exploring by visitors. Include paved trails for access to the tennis facilities. From the loop trails, create trail connections to minor Park entrances from surrounding areas.
- f. **Miniature Train Crossings:** Access between the Amusement Center and picnic areas to the north are currently provided by a set of steps and a bridge, supported by a concrete tower with an overlook to the Amusement Center. Although the overlook offers a nice view when entered from the picnic area, the tower and tall stairways create an imposing feature that divides the Park as viewed from the Amusement Center. Provide additional or replacement crossings to create a safe, direct and inviting access between the two portions of the Park within the constraints of site distances, slopes and function of the train. Reconfigure existing steps and bridges for an inviting and direct connection between the north and south. If feasible, remove the bridge to the west and provide an additional at-grade crossing for accessible movements between the Amusement Center and the picnic area. Consider a new accessible crossing or bridge to access the southwest valley and trails to the west.





their heirs, executors, administrators or assigns.
 Intestimony whereof the said parties of the first part have
 hereunto set their hands and seals the day and year first
 above written.

Signed, sealed and delivered in presence of } Ransom ^{his} Thompson Seal
 Chas. D. Upchurch } Caroline ^{his} Thompson Seal

State of North Carolina - Wake County.

I, J. N. Bunting, Clerk of the Superior Court, do hereby certify
 that Ransom Thompson and Caroline Thompson, his wife,
 appeared before me this day and acknowledged the due
 execution of the foregoing deed of mortgage. And the said
 Caroline Thompson being by me privately examined separately
 and apart from her said husband touching her voluntary
 execution of the same doth state that she signed the same
 freely and voluntarily without fear or compulsion of her said
 husband or any other person and that she doth still
 voluntarily assent thereto.

At the same with this certificate be registered.

Witness my hand and official seal this 16 day of February A.D. 1878.

(S)

J. N. Bunting, Clerk,
 Superior Court.

Office of Register of Deeds, Wake County, N.C.

I, W. W. White, do hereby certify that the within mortgage deed was filed
 in this office for record on the 16 day of February A.D. 1878
 at 12:19 o'clock P.M., and was duly recorded in Book 59,
 page 227, Feb. 18th 1878.

W. W. White
 Register of Deeds.

Filed for registration at 6 o'clock P.M., May 8, 1887 and registered
 in the office of the Register of Deeds for Wake County in
 Book No. 95, page 461, May 14, 1887.

J. P. Hutchins
 Register of Deeds.

D. R. S. Pullen

To } North Carolina
 The City of Raleigh } Wake County

his Deed made this the twenty second day
 of March Anno Domini one thousand eight hundred and
 eighty seven by R. S. Pullen of the first part to The City of Raleigh
 a body corporate of the second part witnesses that where as the
 said R. S. Pullen desires to donate to the said City of Raleigh

DEED PAGE 1 OF 3

a tract of land situate near the corporate limits of said City to be held and used perpetually for the recreation and pleasure of the inhabitants of said City, now therefore in consideration of the premises and in furtherance of his intentions and desire, the said P. B. Pullen has given and granted and by these presents does give grant and convey to the City of Raleigh in fee simple upon the trusts hereinafter set forth, a certain tract or parcel of land lying and being in said County and State West of the corporate limits of said City and bounded and described as follows:

Beginning at a point in the south side of Hillsboro road, two hundred and twenty feet westerly from the corner stone near Crawford's Store, thence along said Road N 62° 15' W 12 1/2 feet, thence S 68° 15' W 107 feet, thence S 57° 15' W 107 feet, thence S 38° 45' W 184 feet, thence S 27° 20' W 146 feet, thence S 53° W 183 feet, thence S 61° W 158 feet, thence S 89° 10' W 100 feet, thence S 26° 55' W 48 1/2 feet to the center of the North Carolina Railroad, thence S 26° 55' W 423 1/2 feet, thence S 73° 40' W 217 feet, thence N 83° 25' W 83 feet, thence N 82° W 144 feet, thence S 72° 50' W 66 1/2 feet, thence S 14 1/2° W 180 feet, thence S 9° E 136 feet, thence S 7 1/2° E 80 1/2 feet, thence N 72° E 170 feet, thence S 14 1/2° E 240 feet to Rocky Branch, thence S 61 1/4° E 625 feet, thence S 57 1/4° E 264 feet to center of chain, thence S 49 1/4° E 381 feet to side of Court Ferry Road, thence N 47° E 513 feet, thence N 80° 26' E 258 feet, thence N 26° 45' E 513 feet to the center of the North Carolina Railroad, thence up the center of said Railroad 183 feet opposite turn of ditch, thence N 1° 50' E 152 7/2 feet, thence N 62° 15' W 220 feet, thence N 1° 50' E 400 feet to the beginning, excepting however the rights owned and enjoyed by the North Carolina and Raleigh & Augusta Air Line Railroad Companies.

I have and I hold the said tract of land to it the said City of Raleigh in fee simple upon the following uses and trusts and no other, that is to say in trust for the use and purposes of a public park for the use, enjoyment and recreation of the inhabitants of and visitors to the City of Raleigh, said County and State, under such rules and regulations as the Municipal authorities of said City may from time to time prescribe. Provided that if the City of Raleigh the grantees herein, should at any time use or allow to be used the said lands or any part thereof except as herein after provided, for any purpose other than that of such public park, or shall alienate or convey or attempt to alienate or convey the said lands or any part thereof except as herein after directed, to any person or corporation, or if the Charter of said City of Raleigh, N.C. should at any time be surrendered, modified or repealed, then, and in either case, this conveyance

shall be null and void and the said lands shall thereupon immediately revert to and be vested in said Pullen, his heirs and assigns, provided, however, that if any person or persons will erect and equip or will furnish guarantees satisfactory to the Board of Aldermen that he or they will erect and equip, on the part of said tract of land hereinafter presently described, a factory for spinning, or weaving cotton, said factory to be built within first year from date hereof and its cost not less than fifty thousand dollars, then the said City of Raleigh shall admit it is a part of the trust on which the foregoing assurance is made, that it will, assign to such person or persons such part of the tract of land above described as is bounded on the East by the Great Ferry Road, on the North by the N.C. Railway, on the West by a spring branch and on the South by a line which with the three said boundaries will enclose four acres of land, said line to be transferred for the purposes only of Cotton manufacturing.

In testimony whereof the said R.S. Pullen has hereunto set his hand and seal this the twenty second day of March A.D. 1887.

Witness:

R.S. Pullen

R.T. Gray

J.S. Wynne

State of North Carolina, } Superior Court

Wake County, } Before Chas. D. Church, Clerk.

The execution of the foregoing instrument was this day proven before me by the oath and explanation of J.S. Wynne one of the subscribing witnesses thereto.

Let the same with this Certificate be registered.

Witness my hand this 2d day of March 1887.

Chas. D. Church

Clerk Superior Court.

Filed for registration at 10 o'clock A.M. May 4, 1887, and registered in the Office of the Register of Deeds for Wake County in Book No. 9, page 463, May 4, 1887.

J.P. H. Haines
Register of Deeds.

N.W. Richardson,

to
Josiah Richardson.

This indenture made this second day of February in the year of our first Eighteen hundred & eighty seven between N.W. Richardson of the County of Johnston & Josiah

DEED PAGE 36F3

COUNCIL MINUTES

The City Council of the City of Raleigh met in regular session at 1:00 p.m. on Tuesday, May 4, 2010, in the City Council Chamber of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

Mayor Charles C. Meeker, presiding
Mayor Pro-Tem James P. West
Councilor Mary-Ann Baldwin
Councilor Thomas G. Crowder
Councilor Bonner Gaylord
Councilor Nancy McFarlane
Councilor John Odom
Councilor Russ Stephenson

Mayor Meeker called the meeting to order and invocation was rendered by Dr. James West. The Pledge of Allegiance was lead by City Council Member Russ Stephenson. The following items were discussed with action taken as shown.

...

PULLEN ROAD – VARIANCE – REFERRED TO PUBLIC WORKS COMMITTEE

The 2030 Comprehensive Plan adopted last fall upgraded Pullen Road from a Collector Street to a Minor Thoroughfare, thereby invoking development requirements for dedication of an additional 10 feet of right-of-way (ROW). The purpose of additional ROW is to provide an opportunity for future expansion of traffic and/or pedestrian infrastructure.

Recommendation: Authorize a variance from dedication of additional right of way on Pullen Road in order to avoid conflict with the deed of Pullen Park to the City.

Authorize deferring sidewalk requirements along the southern portion of Pullen Road in order to conduct a joint planning effort between Public Works and Parks and Recreation Departments and solicit input from CSU.

Mr. Stephenson stated he withdrew this from Consent Agenda as he would like to place it in Public Works Committee. He stated he remembers a few years back when the City was talking about condemning right-of-way when one of the heirs of the Pullen Estate went to Court. He stated he feels we should analyze this very careful. City Manager Allen pointed out this is a request for a variance in order to not conflict with the deed for Pullen Park. Mr. Crowder talked about the upgrading of Pullen from a collector to a minor thoroughfare and stated he does not really feel we need this upgrade. Mr. Stephenson questioned the same item. Mayor Meeker pointed out the sidewalk is needed. Without discussion the item was referred to Public Works Committee.

PUBLIC WORKS COMMITTEE

The Public Works Committee of the City of Raleigh met in regular session on Tuesday, May 11, 2010 at 5:00 p.m. in the City Council Chamber, Raleigh Municipal Building, 222 West Hargett Street, Avery C. Upchurch Government Complex, Raleigh, North Carolina, with the following present:

Committee

Chairman Russ Stephenson, Presiding
Bonner Gaylord
John Odom

Staff

City Attorney Thomas McCormick
Public Works Director Carl Dawson
Senior Project Engineer Lynn Raynor
Senior Assessment Specialist
Jimmy Upchurch
Transportation Services Manager
Eric Lamb

Chairman Stephenson called the meeting to order at 5:03 p.m. Mr. Gaylord led the assembly in the Pledge of Allegiance.

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Item #09-15 – Pullen Road/Pullen Park – Street/Sidewalk Variance

This item was referred to the Public Works Committee during the May 4, 2010 City Council meeting. Transportation Services Manager Eric Lamb reviewed with the Committee members his memorandum regarding Pullen Road and Oberlin Road classifications that was contained in the agenda packet:

The classifications and alignments of over 80 street corridors were changed as part of the City's 2030 Comprehensive Plan update. Changes to the thoroughfare plan were based on several factors, including systematic context, corridor continuity, and traffic data projections based on the Future Land Use Map. A complete summary of these recommendations were compiled and published as a Quick Guide supplement during the development of the Comprehensive Plan, which was made available to the public in early March 2009. A draft version of the updated street plan was produced in December 2008 and the recommended plan was presented to the City Council on March 18, 2009. After receiving public comments on the proposed changes during the months of December 2008 and January 2009, the updated Comprehensive Plan was adopted on October 7, 2009.

The adopted plan made several changes to the classifications along the Pullen Road/Oberlin Road corridor. Pullen Road was reclassified from a collector street to a

minor thoroughfare between Oberlin Road and Western Boulevard. Alignment adjustments were made to reflect prior approvals of the northern extension to Oberlin Road and the southern extension to Centennial Parkway. Oberlin Road was also downgraded from a major thoroughfare to a minor thoroughfare from Pullen Road to Glenwood Avenue, creating a continuous minor thoroughfare corridor from Centennial Parkway to Glenwood Avenue.

Traffic volumes along Oberlin Road range between 8,700 and 23,000 vehicles per day (vpd). Prior counts along Pullen Road have shown traffic ranging between 17,000 and 18,000 vpd. Based on the travel demand characteristics associated with the Future Land Use Map, 2035 traffic volumes are anticipated to be higher along the Pullen Road corridor than in the Oberlin Road corridor. Traffic volumes as high as 20,000 to 26,000 vpd are predicted along Pullen Road, which is likely a combination of two specific factors: 1) the continued growth of NCSU's Centennial Campus; and 2) the improved mobility that a Pullen Road Extension between Western Boulevard and Centennial Parkway will provide.

Both Oberlin Road and Pullen Road meet the characteristics outlined in Table T-1 from the Comprehensive Plan; in fact it could be argued that the higher future traffic projections along portions of the Pullen Road Extension were sufficient to justify the application of a major thoroughfare classification, however staff did not feel that was appropriate in context.

Table T-1 Summary of Thoroughfare System Classification

Classification	Typical Two-Way Volumes	Typical Section	Examples
Principal Arterial	40,000 Vehicles per Day (VPD) and above	At least three lanes in each direction, with medians and limitations or restrictions on driveway access	I-40, I-440, US 1 (Capital Blvd.), US 70 (Glenwood Ave.), US 401 (Louisburg Rd.)
Secondary Arterial	25,000 – 45,000 VPD	Three lanes in each direction, with medians or a center turn lane and limitations on driveway access	NC 50 (Creedmor Rd.), Wake Forest Road, Falls of Neuse Road, Hammond Road, Brier Creek Parkway
Major Thoroughfare	15,000 – 35,000 VPD	Two lanes in each direction, with medians or a center turn lane and limitations on driveway access	Millbrook Road, Lynn Road, Hillsborough Street, Blue Ridge Road, Leesville Road, Martin Luther King Jr. Blvd.
Minor Thoroughfare	8,000 – 20,000 VPD	At least one lane in each direction, with medians or a center turn lane	Clark Avenue, Ray Road, Newton Road, Lassiter Mill Road, St. Marys St., Tarboro Road
Collector Street	2,000 – 8,000 VPD	One lane in each direction	Method Road, Athens Drive, Marvin Lane, Harps Mill Road, Falls River Avenue, Old Poole Rd.

The typical section for a minor thoroughfare per the City's adopted *Streets, Sidewalks, & Driveway Access Handbook* is a 53-foot back-to-back curb and gutter section on 80 feet of right-of-way with sidewalks on both sides. This section has been historically

associated with a four-lane undivided roadway section. The recommended minor thoroughfare cross-section per the Comprehensive Plan is for a three-lane curb and gutter section with the same right-of-way and sidewalk requirements. Minor thoroughfares are also appropriate for striped bicycle lanes. That being said, the current cross-section of Pullen Road is adequate, with the exception of the lack sidewalks south of the NCRR railroad bridge. Staff anticipates employing more contextually appropriate cross-sections with the development of the Unified Development Ordinance.

The Parks & Recreation Department has a pending administrative site plan for improvements to Pullen Park, which triggered exaction requirements for 10 feet of right-of-way dedication and sidewalk construction along the park's Pullen Road frontage. Public Works staff recognized the issues that a right-of-way dedication would represent for the park and recommended that Parks & Recreation staff seek a variance from this requirement. The only means of granting a variance associated with an administrative site plan is directly from the City Council. The need for sidewalk is evident based on the existing heavily-worn paths along both sides of the street. Given the timeframe needed to work out the construction details of a sidewalk at this location, Parks and Recreation staff opted to include a sidewalk deferral in their request to Council.

If you have additional questions about this corridor or any of these issues, please advise.

Chairman Stephenson verified with Mr. Lamb that there would be no median or center turn lane on Pullen Road between Hillsborough Street and Western Boulevard, then asked why Pullen Road should be reclassified from a collector street to a minor thoroughfare. Mr. Lamb replied that the classification of minor thoroughfare matches the function of the roadway and has bearing on sidewalk requirements. Sidewalks are not required on both sides of collector streets. There is no need for a median or a center turn lane. Pullen Road and Pullen Park are not typical. As the Pullen Park Master Plan came through with new improvements, it triggered certain requirements. Mr. Lamb showed a slide of South Pullen Road per the Conceptual Pullen Park Master Plan 2001 and explained staff's recommendations.

Chairman Stephenson opined that he respects the vehicle trips through the area, but to get sidewalks without widening the road, and to change from a two-lane to a three-lane road, is something that is completely unnecessary and suggests primacy of vehicles over other contiguous land uses. Mr. Lamb explained that this is an important multimodal link through Cameron Village and up Glenwood Avenue and serves a major role for north-south traffic in the area. There will be context-based solutions, not widening of roads, in the new Unified Development Ordinance (UDO). There will also be custom cross-sections of streets and neighborhoods in the UDO.

Mr. Odom moved approval of staff's recommendations to (1) authorize a variance from dedication of additional right-of-way on Pullen Road in order to avoid conflict with the deed of Pullen Park to the City, and (2) authorize deferring sidewalk requirements along the southern portion of Pullen Road in order to conduct a joint planning effort between the Public Works and

Parks and recreation Departments and solicit input from North Carolina State University (NCSU). Mr. Gaylord seconded the motion and approval was unanimous, 3-0.

ADJOURNMENT

There being no further business before the Public Works Committee, Chairman Stephenson announced the meeting adjourned at 5:51 p.m.

Leslie H. Eldredge
Deputy City Clerk

ADJACENT PROPERTY OWNERS' PAGE 1 OF 2

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ADJACENT PROPERTY OWNERS' PAGE 2 OF 2

1704005137

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1704005335

NATURAL CAPITAL INVESTMENTS LLC
122 COX AVE
RALEIGH NC 27605-1817

1704005348

NATURAL CAPITAL INVESTMENTS LLC
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